

Order

Entered: July 31, 2003

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

5 January 2003

120256

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NTUKU ALIAKBAR,

Defendant-Appellant.

SC: 120256
COA: 228262
Wayne CC: 99-004574

On order of the Court, leave to appeal having been granted, 467 Mich 871 (2002), and the case having been submitted following oral argument in January 2003, we VACATE the judgment of the Court of Appeals and REMAND this case to the Court of Appeals for reconsideration in light of *People v Babcock*, ___ Mich ___; ___ NW2d ___ (2003).

We do not retain jurisdiction.

Weaver, J., (*dissenting*).

I dissent from the remand order. Applying the analysis of my dissenting and concurring opinion in *People v Babcock*, ___ Mich ___; ___ NW2d ___ (2003), I would affirm the Court of Appeals decision. The trial court satisfied the requirement for "a substantial and compelling" reason for its upward departure from the sentencing guidelines, and its decision did not venture beyond the range of principled outcomes under the circumstances.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 31, 2003 *Corbin R. Davis*

Clerk